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Attorneys for Defendant Ben Murray

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

CANDY HOLMES, an individual, and
RUSSELL SMITHE, an individual,

Plaintiffs,

vs.

STATE OF UTAH and VERNAL CITY, and
BEN MURRAY, an individual, and John and
Jane Does 1-15,

Defendants.

JOINT MOTION AND STIPULATION FOR
DISMISSAL OF DEFENDANT BEN MURRAY

Case No. 2:12cv01098

Judge Ted Stewart

Defendant Ben Murray and Plaintiffs Candy Holmes and Russell Smithe, by and through counsel, hereby jointly move for and stipulate to the dismissal of the Defendant Ben Murray in this matter with prejudice, with each party shall bear its own costs and attorneys' fees.

DATED this ___ day of December 2013.

DATED this _____ day of December 2013.

Troy K. Walker
TROY K. WALKER P.C.

/s/ Troy Walker

By: Troy Walker

*Signature insert by filing attorney with permission
Of signing Attorney*

BLAISDELL & CHURCH, P.C.

/s/David L. Church

David L. Church

CERTIFICATE OF SERVICE

I hereby certify that on December _____, 2013, I caused a true and correct copy of the foregoing to be served via first class U.S. mail, postage prepaid, or by the court's electronic notification system to the following:

Tyler B. Ayres
AYRES LAW FIRM P.C.
8341 S. 700 East
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Troy K. Walker
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Attorneys for Plaintiffs

/s/David L. Church

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

CANDY HOLMES, an individual, and
RUSSELL SMITHE, an individual,

Plaintiffs,

vs.

STATE OF UTAH and VERNAL CITY, and
BEN MURRAY, an individual, and John and
Jane Does 1-15,

Defendants.

ORDER DISMISSING COMPLAINT
AGAINST DEFENDANT BEN MURRAY

Case No. 2:12cv01098

Judge Ted Stewart

Based upon the joint motion and stipulation of the Plaintiffs Candy Holmes and Russell Smithe and the Defendant Ben Murray it is hereby ORDERED that this matter is dismissed as against Ben Murray, with prejudice, with each party to bear their own costs and attorneys' fees.

Dated this ____ day of _____ 2013.

United States District Court

Judge Ted Stewart

Approved as to form:

TROY WALKER P.C.

/s/ Troy Walker

By: Troy Walker

Signature inserted by filing attorney with permission

Of signing Attorney

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Drapertad@Hotmail.Com

Attorneys for Plaintiffs

/s/David L. Church

**RECEIPT OF PROCEEDS AND
RELEASE OF ALL CLAIMS**

In consideration of the sum of THIRTY FIVE THOUSAND dollars (\$35,000), paid to Candy Holmes and Russell Smithe (herein after sometimes referred to as Plaintiffs) through checks made out to the trust account of their attorney Tad Draper, P.C., receipt of which is hereby acknowledged, the undersigned do hereby release, acquit, and forever discharge Ben Murray, his heirs, successors, agents, principals, administrators, employees, employers, assigns and insurers (hereinafter collectively referred to as Ben Murray or Defendant) and each of them for and from any and all claims, causes of action, suits, damages injuries, and liabilities of every kind and nature, known or unknown, arising out of the claims against the above named Defendant for the injuries and damages allegedly incurred by Plaintiffs resulting from the factual allegations that are alleged in and are the subject of the lawsuit filed as Case No. 2:12cv01098 .in the United States District Court for the District of Utah.

Plaintiffs understand and agree that the sum referred to in the above paragraph of this Receipt of Proceeds and Release of All Claims constitutes full and complete settlement and satisfaction of all claims made, or that could have been made, arising from the factual allegations contained in the above referenced lawsuit against Ben Murray. The undersigned further understand and agree that no other or additional sums are now or will ever be due or payable to it in settlement for any claims it may have against Ben Murray for the incident alleged in the lawsuit. That this is a document of release of all claims and that by signing this document Plaintiffs are releasing Ben Murray from all claims for violation of any civil rights, physical injury, pain or suffering, all past and future wages, medical bills, hospital bills, and punitive damages, attorney fees and for general and special damages of all claims of any kind and nature

and character arising out of, or in any way connected with, the incidents alleged in the above referenced federal lawsuit which could have been or were made against Ben Murray.

IT IS UNDERSTOOD AND AGREED by the undersigned that the payment of the said sum is for the purpose of compromising a disputed claims and shall not be construed as an admission of liability or responsibility on the part of Ben Murray. All liability and responsibility are expressly denied by this Defendant.

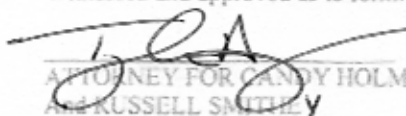
EXECUTED this 3rd day of JANUARY, 2014


CANDY HOLMES

EXECUTED this 3rd day of JANUARY, 2014


RUSSELL SMITHE Y

Witnessed and approved as to form:


ATTORNEY FOR CANDY HOLMES
AND RUSSELL SMITHE Y